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TO RUEHC/SECSTATE WASHDC PRIORITY 9670  
INFO RUCNCIS/CIS COLLECTIVE PRIORITY  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 2180  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 0266  
RUEHKA/AMEMBASSY DHAKA PRIORITY 0278  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 0764  
RUEHBUL/AMEMBASSY KABUL PRIORITY 0580  
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 0273  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0441  
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RUEKJCS/JOINT STAFF WASHDC PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUEHVEN/USMISSION USOSCE PRIORITY 2587  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1966  
RUEHNO/USMISSION USNATO BRUSSELS BE PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000633

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SUBJECT: KYRGYZ CONSTITUTIONAL COURT REVIEWING ATAMBAYEV  
CONSTITUTION

BISHKEK 00000633 001.2 OF 002

Classified By: Ambassador Marie L. Yovanovitch, Reason 1.4 (b) and (d)

¶1. (C) SUMMARY: Despite parliamentary criticism that the Constitutional Court is purposefully slowing the review of PM Atambayev's draft constitution, Constitutional Chairperson Cholpon Bayekova has assured us that the review process is underway, and could be finalized well before the fall. She noted, however, that the Parliament had not reviewed the draft in a first reading, as required. This could cause the Court to return the document to Parliament for a first reading, but the Court is still reviewing the draft and has made no decisions yet. END SUMMARY.

COURT REVIEWING DRAFT; POSSIBLE PROCEDURAL ERROR  
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¶2. (C) In a meeting with the Ambassador May 24, Constitutional Court Chair Cholpon Bayekova said that the draft constitution submitted by PM Almaz Atambayev is being examined, and believed that the Court could formulate its final opinion well before the fall. Once the Court has finalized its review, according to Bayekova, the draft will be submitted to Parliament for further evaluation. She added that no additional amendments to the draft constitution can be implemented during parliament's review in the second reading.

¶3. (C) She also noted that there has already been a significant anomaly in the process, as the constitution must be approved in two readings. Instead, Speaker of Parliament Murat Sultanov forwarded the draft to the Court without a first reading and has publicly suggested the Parliament could make changes after the Court's review. When asked, she said it is possible the Court would return Atambayev's draft to the Parliament without comment for a first reading.

## CONFLICTS WITH PARLIAMENT

14. (C) Bayekova dismissed opposition MP Azimbek Beknazarov's claim that she is blocking the appointment of Parliament's representative to the Court, Isa Omurkulov, by insisting that Omurkulov's selection is put in writing. She also questioned Speaker of Parliament Murat Sultanov's suggestion, in support of Beknazarov's claim, that a parliamentary decree could be made to push the appointment through. Bayekova suspected that Sultanov may not have wanted to give the opposition cause to turn against him, by not showing a sign of legal support to Beknazarov. She also said that Beknazarov's accusations would not sway her from sticking to the letter of the law, adding that neither she, nor the Court, was in "anyone's pocket."

15. (C) Bayekova denied the rumors that the Court may review the November and December 2006 constitutions and declare them both invalid, creating an opening for the President to dissolve Parliament. Bayekova stressed the need to adhere to international standards of human rights and democratic norms as the constitution develops. Bayekova also confirmed her trust in all of the Court justices, and was confident in their ability to make wise, studious decisions.

## COMMENT

16. (C) With a weakened opposition, comments like MP Beknazarov's could be a new tactic to increase the opposition's influence over the Constitutional Court's review process. Bayekova's insistence that procedural regulations be followed may, in fact, invite further criticism of the Court's work by those who have a different agenda. While

BISHKEK 00000633 002.2 OF 002

BakyeKova's account is self-serving, we hold out hope that Bayekova and her peers will be able to keep the process moving along in a constitutional and timely manner.

YOVANOVITCH